

**CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
711 Kapiolani Blvd. Suite 1485
Honolulu, Hawaii 96813**



A G E N D A

MONDAY, AUGUST 28, 2006
REGULAR MEETING

CITY COUNCIL COMMITTEE ROOM
SECOND FLOOR
CITY HALL

4:00 P.M.

RECEIVED

AUG 22 3 30 PM '06

CITY CLERK
HONOLULU, HAWAII

1. **Call to Order by Chair Donn Takaki**
2. **For Approval**

Minutes from July 11, 2006. Copies of the draft minutes are available for review at the Charter Commission office and are posted on the Charter Commission's website at <http://www.honolulu.gov/chc/minutes.htm>

3. **Executive Administrator's Report**

Report, discussion and action regarding, among other matters:

- Update on Style Committee and Submission and Information Committee
- Overview of calendar and upcoming meetings and process
- Questions received from Elections Office (re: tallying votes)

4. **Committee Reports**

- a. **Style Committee**, Chair Jared Kawashima, Members Darolyn Lendio, Jeff Mikulina, Donn Takaki, Jerry Coffee, James Pacopac, Malcolm Tom

FOR DISCUSSION AND ACTION:

Review, discussion, and approval of the Style Committee report (see **Attachment**) including the topics listed below. Approved charter amendment text, ballot questions, and ballot order will be sent to the City Clerk by

September 1, 2006 for placement on the November 7, 2006 General Election ballot.

1. Charter amendment text

Final review and approval of proposed charter amendments and Style Committee recommendations following legal/agency review.

PROPOSAL 1 - *Salary Commission; Amend provision regarding Council review of Commission findings.*

PROPOSAL 5 - *Elections; Eliminate the first special election when there are only two candidates for an office.*

PROPOSAL 27 - *Liquor Commission and Civil Service; Exempt Liquor Control Administrator and Deputy Administrator from civil service.*

PROPOSAL 28 - *Ethics Commission; Allow the Ethics Commission to impose civil fines.*

PROPOSAL 33 - *Department of Emergency Services; Revise the Powers, Duties and Functions of the Director and the Department.*

PROPOSAL 34 - *Budget; Administration and enforcement of the executive capital budget ordinance -- lapse in 12 rather than 6 months.*

PROPOSAL 35 - *Department of Information Technology; Revise the Powers, Duties and Functions of the Director.*

PROPOSAL 36 - *Fire Chief; Revise the Powers, Duties and Functions of the Fire Chief and the Fire Department.*

PROPOSAL 51 - *Department of Customer Services; Include the Director of Customer Services as a department head who must be nominated by the Mayor, with the advice and consent of the Council, and may be removed by the Mayor.*

PROPOSAL 55 - *Term Limits and Staggered Terms; Re term limits and staggered terms for Councilmembers.*

PROPOSAL 71 - *Department of Environmental Services; Comprehensive curbside recycling program.*

PROPOSAL 75 – *Ethics Commission; Include the prohibition against Ethics Commissioners taking an active part in political management or political campaigns set forth in the Hawaii Constitution Article XIV.*

PROPOSAL 76 – Police; Delete prohibition of political activities by police department employees.

PROPOSAL 78 – Civil Defense Agency; Delete the reference to Civil Defense Agency in "Appointment, Confirmation and Removal of Officers and Employees".

PROPOSAL 91 - Property Taxes and New Fund; Set aside one-half percent (1/2%) of real property tax revenues for land and natural resources protection and one-half percent (1/2%) of real property tax revenues for affordable housing.

PROPOSAL S-6 - Petitions; Delete requirement of Social Security numbers on petitions

PROPOSAL S-9 - Department of Transportation Services - Revise Powers, Duties and Functions; Promote pedestrian- and bicycle-friendly city

PROPOSAL S-10 - Public notices; Distribution of public notices via a widely accessible electronic medium.

2. Combination of proposals for the ballot

3. Ballot questions and reference phrases

4. Order of ballot questions

5. New section(s) regarding effective date

- b. **Submission and Information Committee**, Chair Jan Sullivan, Members Gordon Grau, Amy Hirano, Donn Takaki, Jeff Mikulina, Darolyn Lendio, Jim Myers

FOR DISCUSSION AND ACTION:

Review, discussion, and approval of the Submission & Information Committee report. The report will be determined by the actions of the committee at its August 25, 2006 meeting; see [August 25, 2006 Submission & Information Committee meeting agenda](#) for more information and for draft digest language. The report will include the following topics:

1. Public information program

2. Community meetings and other appearances

3. Digest text and format

4. Selection of vendors for printing, mailing, and media services

- c. **Budget Committee**, Chair Jim Myers, Members Andrew Chang, Darolyn Lendio
- d. **Personnel Committee**, Chair Darolyn Lendio, Members Jeff Mikulina, Donn Takaki
- e. **Rules Committee**, Chair Jared Kawashima, Members Jeff Mikulina, Malcolm Tom

5. Officers Reports

- a. Chair Donn Takaki
- b. Vice-Chair Jeff Mikulina
- c. Treasurer Jim Myers
- d. Secretary James Pacopac

6. Announcements

7. Next Meeting

To be determined.

8. Adjournment

Notice regarding public testimony:

Please note that under the Rules of the Commission, speakers are requested to submit two copies of their testimony. Written testimony may be mailed to the Commission, faxed to 592-8633, or e-mailed to charter@honolulu.gov. The Commission requests that written testimony be submitted no later than 24 hours prior to the meeting; however, if you bring written testimony directly to the meeting, the Commission requests that you bring **20 copies, three hole punched**. Testimony will be accepted on agenda items only, and will be taken at the time the item comes up for discussion by the Commission.

You are requested to register to speak if you wish to provide oral testimony. Generally, oral testimony will be limited to **five minutes**. However, a speaker's time may be limited to **three minutes** if, in the discretion of the chair, such limitation is necessary to accommodate all persons desiring to address the Commission at the meeting.

ATTACHMENT
CHARTER COMMISSION MEETING 8/28/06

CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
711 Kapiolani Blvd. Suite 1485
Honolulu, Hawaii 96813



COMMITTEE ON STYLE
REPORT FROM COMMITTEE MEETINGS HELD ON
JULY 19, JULY 25, AND AUGUST 21, 2006

1. Charter amendment text
2. Combination of proposals for the ballot
3. Ballot questions and reference phrases
4. Order of ballot questions
5. New section(s) regarding effective date

PART 1 - CHARTER AMENDMENT TEXT

Proposal 1 Text

Section 3-122. Salary Commission --

2. The commission shall convene annually no later than the first day of February, and shall, after public hearing, establish salaries and salary schedules no later than the first day of May subsequent thereto, said salaries and salary schedules to be effective prospectively from the first day of the fiscal year subsequent to their adoption by the commission. The commission may meet at other times during the year pursuant to its own rules, but may alter salaries and salary schedules no more than once annually. Any action of the commission altering salaries shall be by resolution accompanied by findings of fact. Said resolution shall be forwarded to the mayor and the council, [but shall take effect without their concurrence sixty calendar days after its adoption unless rejected by a three-quarters vote of the council's entire membership. The council may reject either the entire resolution or any portion of it.]

PROPOSAL 1 NOTES:

No changes 7/19/06

Proposal 5 Text

Section 13-116. City Elections --

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year[.]; a special election held in conjunction with the primary election shall be designated the first special election and a special election held in conjunction with the general election shall be designated the second special election. In the case of the council, such special elections shall be held in 2002 and every second year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

2. [First special election: In the case of the offices of mayor, prosecuting attorney or councilmember, any candidate receiving a majority of the votes cast for that office shall be deemed elected. However, if there is no more than one candidate for each of the offices of mayor, prosecuting attorney or councilmember, such persons shall be deemed elected regardless of the number of votes received.

3. Second special election: Unless a candidate for mayor, prosecuting attorney, or councilmember is elected in the first special election, the names of the two candidates receiving the highest number of votes for these offices in the first special election shall be placed on the ballot for the second special election. At the second special election the candidates receiving the highest number of votes for mayor, prosecuting attorney and councilmember, respectively, shall be deemed elected.]

Special elections:

- (a) If there is no more than one candidate for any city elective office, then the name of that candidate shall be placed on the ballot for the first special election. The candidate shall be deemed elected at the first special election regardless of the number of votes received.
- (b) If there are only two candidates for any city elective office, the names of the two candidates shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.
- (c) If there are three or more candidates for any city elective office, the names of the candidates shall be placed on the ballot for the first special election. If any candidate receives a majority of votes cast in the first special election for that office, that candidate shall be deemed elected. However, if no candidate receives a majority of votes cast in the first special election for that office, then the names of the two candidates receiving the highest number of votes cast for that office shall be placed on the ballot for the second special election. At the second special election, the candidate receiving the highest number of votes cast for that office shall be deemed elected.

PROPOSAL 5 NOTES:

No changes 7/19/06

Proposal 27 Text

I. RCH Section 6-207. “Liquor Commission –“ (new text underlined) (to take effect July 1, 2007)

The organization and the duties and functions of the liquor commission of the City and County of Honolulu shall be as provided by law, except that the commission shall be attached to the department of budget and fiscal services. The positions of liquor administrator, deputy liquor administrator, and one secretary, shall be exempt from civil service in accordance with Section 6-1103, and shall be appointed and may be removed in accordance with this section.

The liquor commission shall appoint and may remove a liquor administrator, who shall serve as the administrative head of the commission staff and shall be subject to the policies and directions of the commission.

The liquor administrator may appoint and may remove a deputy liquor administrator who shall serve as the first deputy to the administrator, and may appoint and may remove a secretary in the exempt position.

The liquor administrator may hire and may remove other staff in accordance with applicable law. The salaries of the staff shall be set in accordance with applicable law.

II. New subsection (k) to RCH Section 6-1103. “Civil Service and Executive Branch Exemptions —“ (to take effect July 1, 2007)

(k) Positions in the liquor commission of the liquor administrator, the deputy liquor administrator, and one secretary, but such positions shall be included in the position classification plan.

III. New Section 16- ____ . “Transition Provisions for Liquor Administrator and Deputy Liquor Administrator —“ (to take effect upon approval)

1. The civil service positions of the liquor administrator and of the deputy liquor administrator of the liquor commission shall be abolished as of the end of the day, June 30, 2007.

2. Effective July 1, 2007, the positions of the liquor administrator and the deputy liquor administrator shall be established in the liquor commission and shall be exempt from civil service.

3. Any employee holding a permanent civil service appointment on June 30, 2007 to the position of the liquor administrator of the liquor commission or to the position of deputy liquor administrator shall be afforded such rights under civil service rules as are applicable to those whose civil service position has been abolished. Nothing

in this section shall be construed as disqualifying such individuals from appointment after June 30, 2007 to the position of liquor administrator or deputy liquor administrator.

4. The liquor commission may select an individual for the exempt civil service position of liquor administrator prior to July 1, 2007, but the appointment to such position shall not take effect until July 1, 2007 or thereafter.

PROPOSAL 27 NOTES:

7/19/06 – Adopted new version proposed by Corp Counsel

Proposal 28 Text

Section 11-106, Revised Charter of Honolulu, would be amended as follows:

Section 11-106. Penalties and Disciplinary Action for Violations --

The failure to comply with or any violation of the standards of conduct established by this article of the charter or by ordinance shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article of the charter or by ordinance. The ethics commission may also impose civil fines established by ordinance for violations of the standards of conduct committed by elected officers of the city.

Section 11-107, Revised Charter of Honolulu, would similarly be amended in the last paragraph as follows:

Section 11-107. Ethics Commission –

* * * *

The commission may impose civil fines established by ordinance against elected officers of the city found to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

PROPOSAL 28 NOTES:

7/19/06 – Changed “elected officials” to “elected officers”

Proposal 33 Text

Revise Section 6-603 in its entirety:

Section 6-603. Powers, Duties and Functions –

The director of emergency services shall:

- (a) As to medical services:
 - (1) Be the primary provider of emergency medical care;
 - (2) Develop programs and provide training and educational programs related to emergency medical services and injury prevention;
 - (3) Be responsible for medical matters relating to public health and welfare.
- (b) As to ocean safety:
 - (1) Be the primary responder to emergencies arising on the beach and in the near shore waters;
 - (2) Be responsible for ocean safety training, educational, and risk reduction programs relating to ocean safety.
- (c) Perform such duties as may be required by law.

PROPOSAL 33 NOTES:

7/19/06 – Adopted new version proposed by Corp Counsel; added comma after “educational” in (b)(2)

After 7/19/06 – Staff changed 2 periods to semicolons to match charter style

Proposal 34 Text

Section 9-106. Administration and Enforcement of the Budget Ordinances --

3. Administration and enforcement of the executive capital budget ordinance:

(a) Appropriations authorized in the executive capital budget ordinance or any supplementary appropriation shall be considered valid only for the fiscal year for which made and for twelve [six] months thereafter, and any part of such appropriations which is not expended or encumbered shall lapse twelve [six] months after the end of the fiscal year. Agencies authorized to make expenditures under the executive capital budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.

PROPOSAL 34 NOTES:

No changes 7/19/06

Proposal 35 Text

Section 6-1202. Powers, Duties and Functions --

The director of information technology shall:

(a) Operate and maintain [a data processing system] information technology and telecommunications systems for the city government, excluding those systems maintained by the board of water supply and any other semi-autonomous agencies created by ordinance.

(b) Provide technical expertise and support in [data processing] information technology and telecommunication technology to the city government.

(c) Assist the managing director in [management] information technology and telecommunication technology [analysis] analyses and evaluation.

(d) Advise the mayor on [data processing] information technology and telecommunication technology matters.

(e) Perform such other duties as may be required by law.

PROPOSAL 35 NOTES:

No changes 7/19/06

Proposal 36 Text

Section 6-1004. Powers, Duties and Functions –

The fire chief shall:

(a) Perform fire fighting and rescue work in order to save lives, [and] property and the environment from fires [and from emergencies arising on the sea and hazardous terrain].

(b) Respond to emergencies arising on hazardous terrain and on the sea and hazardous material incidents.

(c) Provide emergency medical care.

[(b)] (d) Train, equip, maintain and supervise a force of fire fighting and rescue personnel.

[(c)] (e) Monitor the construction and occupancy standards of buildings for the purposes of fire prevention.

[(d)] (f) Provide educational programs related to fire prevention.

[(e)] (g) Appoint the deputy fire chief and the private secretaries to the fire chief and the deputy fire chief.

[(f)] (h) Perform such other duties as may be required by law.

PROPOSAL 36 NOTES:

7/19/06 - Adopted new version proposed by Corp Counsel

After 7/19/06 – Staff added parentheses to match charter style

Proposal 51 Text

Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, 6-103, 6-105, 6-201, 6-301, 6-401, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

PROPOSAL 51 NOTES:
No changes 7/19/06

Proposal 55 Text

Proposal 55 Alternative A: Eliminate term limits and staggering of council terms.

Section 3-102. Number, Election and Terms of Office of Councilmembers —

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section [16-122] 16-, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive four-year terms.]

Section 13-116. City Elections —

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special elections, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

Repeal Section 16-122 and insert new language:

Section 16- . Transitional Provisions for the Elimination of Councilmembers' Term Limits and Staggered Terms —

1. Term limits for councilmembers and the staggering of councilmember terms shall end at twelve o'clock meridian on January 2, 2011, and shall be implemented in accordance with this section.

2. A person elected as councilmember to a four-year regular term in 2002 and 2006 in council districts II, IV, VI and VIII shall be eligible for election to a four-year regular term in 2010.

3. A person elected to serve as councilmember for council districts I, III, V, VII or IX in the special elections held in 2008, shall be elected to a two-year regular term commencing on January 2, 2009.

4. After the expiration of the two-year regular term for council districts I, III, V, VII or IX established by this section, the subsequent regular terms of the councilmembers of the odd-numbered council districts shall be subject to Section 3-102.

5. For the special elections held in 2010, councilmembers for all nine council districts shall be elected to four-year regular terms commencing on January 2, 2011, and thereafter shall be eligible for election to the office of councilmember without limit on the number of terms served in the office of councilmember.

PROPOSAL 55 ALTERNATIVE A NOTES:

7/19/06 - Adopted new version proposed by Corp Counsel

Proposal 55 Alternative B: Limit council term limits to three consecutive four-year terms and eliminate staggering of council terms.

Section 3-102. Number, Election and Terms of Office of Councilmembers —

The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section [16-122] 16-, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. [The terms shall be staggered in accordance with Section 16-122.] No person shall be elected to the office of councilmember for more than [two] three consecutive four-year terms.

Section 13-116. City Elections —

1. In general: City elections shall be conducted in accordance with the election laws of the state insofar as applicable, but all city elective officers shall be elected by nonpartisan special elections. Except as otherwise provided in this charter, such special elections shall be held in conjunction with the primary and general elections of the applicable year. In the case of the council, such special elections shall be held in 2002 and every second year thereafter, and after the 2010 special elections, every fourth year thereafter. In the case of the mayor and the prosecuting attorney, such special elections shall be held every fourth year following the 1992 election.

Repeal Section 16-122 and insert as new language:

Section 16- . Transitional Provisions for the Elimination of Councilmembers' Staggered Terms and the Extension of Term Limits From Two to Three Consecutive Terms —

1. The staggering of councilmember terms shall end at twelve o'clock meridian on January 2, 2011, and shall be implemented in accordance with this section. Thereafter, councilmembers for all nine council districts shall be eligible for election to four-year terms commencing on January 2, 2011.

2. The extension of term limits from two to three consecutive four-year terms shall take effect at twelve o'clock meridian on January 2, 2011, and shall be implemented in accordance with this section. Thereafter, a person elected as councilmember shall be eligible for election to three consecutive four-year terms.

3. A person elected as councilmember to a four-year regular term in 2002 and 2006 in council districts II, IV, VI and VIII, shall thereafter be eligible for election to three consecutive four-year terms. A person elected as councilmember to a four-year regular term in 2006 in council districts II, IV, VI, and VIII shall thereafter be eligible for election to three consecutive four-year terms.

4. A person elected to serve as councilmember for council districts I, III, V, VII and IX in the special elections held in 2008, shall be elected to a two-year regular term commencing on January 2, 2009. After the expiration of the two-year regular term councilmembers for council districts I, III, V, VII and IX shall thereafter shall be eligible for election to three consecutive four-year terms.

PROPOSAL 55 ALTERNATIVE B NOTES:

7/19/06 - Adopted new “B-1 Version 2” proposed by Corp Counsel

Proposal 71 Text

Section 6-803. Powers, Duties and Functions –

The director of the department of environmental services shall:

- (a) Advise the director of design and construction concerning the planning and design of wastewater facilities.
- (b) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.
- (c) Monitor the collection, treatment and disposal of wastewater.
- (d) Provide chemical treatment and pumping of defective cesspools.
- (e) Develop and administer solid waste collection, processing and disposal systems including a comprehensive curbside recycling system.
- (f) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.
- (g) Perform such other duties as may be required by law.

PROPOSAL 71 NOTES:

No changes 7/19/06. Committee voted to reaffirm the wording as is.

Proposal 75 Text

Section 11-107. Ethics Commission –

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salary of the executive director shall be fixed by ordinance.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. Advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

PROPOSAL 75 NOTES:

7/19/06 – Adopted stylistic revision proposed in public testimony and recommended by Corporation Counsel.

Proposal 76 Text

Delete entire section and footnote:

[Section 6-1608. Political Activities Prohibited --

Except for exercising the right to vote, no member of the police department shall support, advocate or aid in the election or defeat of any candidate for public office. Any violation of this section of the charter by a member of the department shall be cause for summary dismissal from the department.³¹

³¹Prohibition ruled unconstitutional by the First Circuit Court in Civil No. 96-3234-08, SHOPO v. City and County of Honolulu, et al.; decision not appealed by City.]

PROPOSAL 76 NOTES:

No changes 7/19/06

Proposal 78 Text

Section 4-104. Appointment, Confirmation and Removal of Officers and Employees --

1. All department heads and the managing director, as provided in Sections 5-201, 6-101, [6-103,] 6-105, 6-201, 6-301, 6-501, 6-601, 6-701, 6-801, 6-901, 6-1101, 6-1201, 6-1301, 6-1401, 6-1501, and 6-1701, shall be nominated and, by and with the advice and consent of the council, appointed and may be removed by the mayor, except as otherwise provided by this charter. Department heads shall be duly registered voters of the city and qualifications of department heads shall be as required by this charter.

2. When the position of head of an executive agency becomes vacant and the mayor is the appointing authority, the mayor may temporarily fill the vacancy by granting a commission allowing the nominee to fulfill the responsibilities of the position. The commission shall begin when the mayor submits to the council a request for confirmation. The commission shall expire when the council makes the confirmation decision. If the nominee fails to be confirmed by the council, the nominee shall not be eligible for another interim appointment to the same office.

3. Department heads may appoint the necessary staff for which appropriations have been made by the council.

4. No appointing authority shall appoint any person to any office or position exempted from civil service until satisfied by proper investigation that the person to be appointed is fully qualified by experience and ability to perform the duties of the person's office or position.

PROPOSAL 78 NOTES:
No changes 7/19/06

Proposal 91 Text

Create new section:

Section 9-204. Clean Water and Natural Lands Fund and Affordable Housing Fund

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1. There shall be established a Clean Water and Natural Lands Fund and an Affordable Housing Fund. In adopting each fiscal year's budget and capital program, the council shall appropriate a minimum of one percent of the estimated real property tax revenues, one-half of which shall be deposited into the Clean Water and Natural Lands Fund and the remaining one-half of which shall be deposited into the Affordable Housing Fund.
2. Moneys in the Clean Water and Natural Lands Fund shall be used to purchase or otherwise acquire real estate or any interest therein for land conservation in the city for the following purposes: protection of watershed lands to preserve water quality and water supply; preservation of forests, beaches, coastal areas and agricultural lands; public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; conservation of land in order to reduce erosion, floods, landslides, and runoff; and acquisition of public access to public land and open space.
3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable in perpetuity.
4. The moneys in each fund may also be used for the payment of principal, interest, and premium, if any, due with respect to bonds issued subsequent to enactment of this section and pursuant to Sections 3-116 or 3-117, in whole or in part, for the purposes enumerated in subsections 2 and 3 of this section and for the payment of costs associated with the purchase, redemption or refunding of such bonds.
5. At any given time, no more than five percent of the moneys in each fund shall be used for administrative expenses.
6. Any balance remaining in each fund at the end of any fiscal year shall not lapse, but shall remain in the fund, accumulating from year to year. The moneys in each fund shall not be used for any purposes except those listed in this section.
7. The council shall by ordinance establish procedures for the administration and expenditure of moneys in each fund. The appropriations to each fund shall not substitute

for, but shall be in addition to, those appropriations historically made for the purposes stated in this section.

PROPOSAL 91 NOTES:

7/19/06 – Adopted revised Version 2 proposed by Corporation Counsel. Creates two separate funds; additional stylistic changes and clarifications.

Proposal S-6 Text

Section 3-402. Procedure for Enactment and Adoption --

2. Form of Petition. Each voter signing such petition shall add to the signature, the voter's printed name, residence, [social security number] and the date of signing.

Section 12-103. Recall Petition; Recall Election --

The recall petition shall require each signing voter's signature, address, [social security number,] council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the person's whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

Section 15-101. Initiation of Amendments or Revisions --

Such petition shall include each signing voter's signature, residence, [social security number,] and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of some person, not necessarily a signer of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

PROPOSAL S-6 NOTES:

7/19/06 – To accurately reflect charter text, corrected the word “residence” in the first section.

Proposal S-9 Text

Amend section 6-1703:

Section 6-1703. Powers, Duties and Functions --

The director of transportation services shall:

- (a) Plan, operate and maintain transportation, including transit and bikeway, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.

Add new section to Article 6 Chapter 17:

Section 6-17 . Pedestrian and Bicycle Friendly City –

It shall be one of the priorities of the department of transportation services to make Honolulu a pedestrian- and bicycle-friendly city.

PROPOSAL S-9 NOTES:

7/19/06 – Changed “It shall be a priority” to “It shall be one of the priorities”

Proposal S-10 Text

Create new section:

Section 13-1 . Public Notices via Electronic Medium.

Whenever a public notice is required by this charter or by ordinance to be published in a daily newspaper, the public notice shall also be distributed via an electronic medium, such as the Internet, within the same timeframe as the newspaper publication.

Amend Section 13-106:

Section 13-106. Public Hearings; Notice --

1. No public hearing shall be held by any agency or the council, unless public notice is given prior to such hearing.

2. Notice of any public hearing shall be adequately publicized at least ten days prior to such hearing via an electronic medium, such as the Internet, and in a daily newspaper of general circulation in the city and may be advertised, as deemed helpful, in such other newspapers and through communications media as will afford the public maximum information concerning such hearing. The notice shall include:

- (a) The date, time and place of such hearing.
- (b) A statement in plain language of the nature or purpose, including the issues involved, if any, of such hearing.
- (c) A statement that all interested persons shall be afforded the opportunity of being heard.

PROPOSAL S-10 NOTES:

7/19/06 – Replaced “a widely accessible electronic medium (e.g. the city website)” with “an electronic medium, such as the Internet,” in both sections.

PART 2 – COMBINATION OF PROPOSALS FOR THE BALLOT

Proposals 35, 51, 75, 76, 78, S-6, and S-10 were combined into one question for the ballot, per Style Committee's recommendation and full Commission's approval on June 7, 2006.

On July 25, 2006, the Style Committee also approved the combination of Proposals 33 and 36 into one ballot question.

PART 3 – BALLOT QUESTIONS AND REFERENCE PHRASES

On July 25 and August 21, 2006, Style Committee approved the following ballot questions and reference phrases.

Ballot questions are drafted in the form of “Should ... ?”

Reference phrases are short phrases to describe the proposals. These phrases could be used on informational materials, the Commission website, City Clerk’s vote count reports, etc.

Proposal 1

Ballot Question

Should the City Council’s power to reject Salary Commission recommendations be eliminated?

Reference Phrase

No Council rejection of Salary Commission

Proposal 5

Ballot Question

Should races with only two candidates be held in the General Election instead of the Primary Election?

Reference Phrase

Races with two candidates in General Election

Proposal 27

Ballot Question

Should the Liquor Administrator, Deputy Administrator, and secretary be exempt from civil service provisions?

Reference Phrase

Liquor Administrator exempt from civil service

Proposal 28

Ballot Question

Should the Ethics Commission have the authority to impose civil fines on elected officers for ethics violations?

Reference Phrase

Civil fines for ethics violations

Proposals 33 and 36 (combined)

Ballot Question

Should the Charter be amended to state the additional services currently being provided by the Director of Emergency Services and by the Fire Chief?

Reference Phrase

Services of the Emergency Services Director and Fire Chief

(NOTE: After 8/21/06, staff revised capitalization for consistency)

Proposal 34

Ballot Question

Should capital budget appropriations lapse 12 months after the fiscal year, instead of the current 6 months?

Reference Phrase

Extend time for capital funds

Proposal 55 Part 1

Ballot Question

Should City Council term limits be replaced by Alternative A or B below; and, separately, to address concerns relating to election of City Council members caused by reapportionment every ten years, should staggered terms be replaced by Alternative A or B below?

Reference Phrase

Change term limits and staggering of terms

Proposal 55 Part 2

Ballot Question

If Charter Question X is approved, which proposal relating to Councilmember terms should be adopted?

ALTERNATIVE A. Term limits for Councilmembers and the staggering of Councilmembers' terms shall be eliminated.

ALTERNATIVE B. Councilmembers shall be limited to serving a maximum of three consecutive four-year terms, and the staggering of Councilmember terms shall be eliminated.

Reference Phrase

Two alternatives for term limits and staggering

(NOTE: After 8/21/06, staff revised capitalization for consistency)

Proposal 71

Ballot Question

Should the powers, duties, and functions of the Director of Environmental Services include comprehensive curbside recycling?

Reference Phrase

Curbside recycling

(NOTE: After 8/21/06, staff revised capitalization for consistency)

Proposal 91

Ballot Question

Should one percent of annual property tax revenues be appropriated to funds for land conservation and affordable housing?

Reference Phrase

Land conservation and affordable housing funds

Proposal S-9

Ballot Question

Should one of the priorities of the Department of Transportation Services be to make Honolulu a pedestrian- and bicycle-friendly city, and should the powers, duties, and functions of the Director of Transportation Services include bikeway systems?

Reference Phrase

Pedestrian- and bicycle-friendly Honolulu; Bikeways

(NOTE: After 8/21/06, staff revised capitalization for consistency)

Housekeeping Combination (Proposals 35, 51, 75, 76, 78, S-6, S-10)

Ballot Question

Should the Charter be amended to also provide public notice by electronic medium and for housekeeping amendments (a) to conform to current functions and operation, (b) to conform to legal requirements, (c) to correct an inadvertent omission, and (d) for clarity?

- (a) Revise the powers, duties, and functions of the Director of Information Technology;
- (b) Include the Director of Customer Services in the list of department heads to be appointed by the Mayor with the advice and consent of the Council and may be removed by the Mayor;
- (c) Include the reference to the Hawaii Constitution prohibition on Ethics Commission members from taking active part in political campaigns;
- (d) Delete the unconstitutional prohibition on political campaigning by Police Department employees;
- (e) Delete the Civil Defense Administrator from the list of department heads to be appointed by the Mayor with the advice and consent of the Council and who may be removed by the Mayor;
- (f) Delete the requirement of Social Security numbers on petitions for recall, ordinances by initiative, and charter amendments;
- (g) Require public notices to also be distributed via electronic medium.

Reference Phrase

Additional electronic notice and housekeeping amendments

(NOTE: After 8/21/06, staff revised capitalization for consistency and added semicolons and period for clarity)

PART 4 – ORDER OF BALLOT QUESTIONS

On August 21, 2006, the Style Committee approved the ordering of questions on the ballot as follows:

BALLOT QUESTION #1

Proposal 55 Part 1 - Change term limits and staggering of terms

BALLOT QUESTION #2

Proposal 55 Part 2 - Two alternatives for term limits and staggering

BALLOT QUESTION #3

Proposal 91 - Land conservation and affordable housing funds

BALLOT QUESTION #4

Proposal 71 - Curbside recycling

BALLOT QUESTION #5

Proposal 28 - Civil fines for ethics violations

BALLOT QUESTION #6

Proposal 5 - Races with two candidates in General Election

BALLOT QUESTION #7

Proposal 1 - No Council rejection of Salary Commission

BALLOT QUESTION #8

Proposal S-9 - Pedestrian- and bicycle-friendly Honolulu; Bikeways

BALLOT QUESTION #9

Proposal 27 - Liquor Administrator exempt from civil service

BALLOT QUESTION #10

Combined Proposals 33 and 36 - Services of the Emergency Services Director and Fire Chief

BALLOT QUESTION #11

Proposal 34 - Extend time for capital funds

BALLOT QUESTION #12

Combined Proposals 35, 51, 75, 76, 78, S-6, S-10 – Additional electronic notice and housekeeping amendments

PART 5 – NEW SECTION(S) REGARDING EFFECTIVE DATE

The Style Committee considered additional charter text regarding the effective date for charter amendments approved by the voters on November 7, 2006. The Committee considered the following draft language:

“Section 16- Effective Date of Revisions -
All provisions of the amendments to the charter of the City and County of
Honolulu, approved on November 7, 2006, shall become effective as of the
second day of January 2007, except as otherwise provided.”

On August 21, 2006, the Style Committee deferred the matter to allow time for further research and consideration by the full Commission.